



General Assembly

***Substitute Bill No. 6360***

*January Session, 2003*

***AN ACT CONCERNING ENVIRONMENTAL JUSTICE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2003*) As used in section 16-50p  
2       of the general statutes, as amended by this act, "environmental justice"  
3       means the equal protection and meaningful participation of all people  
4       in the development of laws, regulations and policies to ensure that no  
5       segment of the population bears a disproportionate burden of  
6       environmental risk by virtue of place of residence, education,  
7       employment, recreation, protected class status under federal, state and  
8       local civil rights laws, or amount and source of income, and that no  
9       segment of the population has a disproportionate exposure to  
10      emissions into the atmosphere, watercourses, groundwater or soil of  
11      the state.

12      Sec. 2. Subsection (a) of section 16-50p of the general statutes is  
13      repealed and the following is substituted in lieu thereof (*Effective*  
14      *October 1, 2003*):

15      (a) In a certification proceeding, the council shall render a decision  
16      upon the record either granting or denying the application as filed, or  
17      granting it upon such terms, conditions, limitations or modifications of  
18      the construction or operation of the facility as the council may deem  
19      appropriate. The council's decision shall be rendered within twelve  
20      months of the filing of an application concerning a facility described in

21 subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision  
22 (4) of said subsection (a) if the application was incorporated in an  
23 application concerning a facility described in subdivision (1) of said  
24 subsection (a), and within one hundred eighty days of the filing of any  
25 other application concerning a facility described in subdivision (4) of  
26 said subsection (a), and an application concerning a facility described  
27 in subdivision (3), (5) or (6) of said subsection (a), provided such time  
28 periods may be extended by the council by not more than one hundred  
29 eighty days with the consent of the applicant. The council shall file,  
30 with its order, an opinion stating in full its reasons for the decision.  
31 Except as provided in subsection (c) of this section, the council shall  
32 not grant a certificate, either as proposed or as modified by the council,  
33 unless it shall find and determine: (1) A public need for the facility and  
34 the basis of the need; (2) the nature of the probable environmental  
35 impact, including a specification of every significant adverse effect,  
36 whether alone or cumulatively with other effects, on, and conflict with  
37 the policies of the state concerning, the natural environment, ecological  
38 balance, public health and safety, environmental justice, as defined in  
39 section 1 of this act, scenic, historic and recreational values, forests and  
40 parks, air and water purity and fish, aquaculture and wildlife; (3) why  
41 the adverse effects or conflicts referred to in subdivision (2) of this  
42 subsection are not sufficient reason to deny the application; (4) in the  
43 case of an electric transmission line, (A) what part, if any, of the facility  
44 shall be located overhead, (B) that the facility conforms to a long-range  
45 plan for expansion of the electric power grid of the electric systems  
46 serving the state and interconnected utility systems and will serve the  
47 interests of electric system economy and reliability, and (C) that the  
48 overhead portions of the facility, if any, are cost effective and the most  
49 appropriate alternative based on a life-cycle cost analysis of the facility  
50 and underground alternatives to such facility, and are consistent with  
51 the purposes of this chapter, with such regulations as the council may  
52 adopt pursuant to subsection (a) of section 16-50t, and with the Federal  
53 Power Commission "Guidelines for the Protection of Natural Historic  
54 Scenic and Recreational Values in the Design and Location of Rights-  
55 of-Way and Transmission Facilities" or any successor guidelines and

<b>PH</b>	Joint Favorable Subst. C/R	ENV
<b>ENV</b>	Joint Favorable Subst.	
<b>ET</b>	Joint Favorable	